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Special report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1978 (2011), by which the Council expressed its readiness to consider the request of the Government of Southern Sudan for a continued United Nations presence and its intent to establish a mission to succeed the United Nations Mission in the Sudan (UNMIS) in South Sudan.

2. The present report provides an assessment of the outstanding provisions of the Comprehensive Peace Agreement and outlines my recommendations on the role a United Nations peacekeeping mission could play to facilitate peace consolidation in the new State of South Sudan.

II. Outstanding issues relating to the Comprehensive Peace Agreement

3. Through the implementation of the Comprehensive Peace Agreement, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) have ended the longest civil war in Africa. While much has been achieved, key provisions of the Agreement relating to peace and security along the common border — the settlement of the Abyei question, popular consultations on the future status of Southern Kordofan and Blue Nile States, and addressing the issue of former Sudan People's Liberation Army (SPLA) troops from and in those two States — have yet to be resolved. The outcome of the ongoing negotiations on these issues and post-secession bilateral arrangements will to a large extent determine the nature of the relation between the two States and the political and security conditions within the two States and along the border, with implications for security and stability in the subregion.

The border

4. The main risk of conflict in the North-South border area relates to the parties' mutual desire to control and protect oil- and mineral-rich areas as well as strategic defensive locations on principal routes between the North and South.

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5. Of the five disputed areas, the two along the Bahr el-Ghazal/Southern Darfur border are of particular concern to the parties, that is, the south bank of the River Kiir/Bahr el-Arab, connecting Southern Darfur to the Abyei area, and Kafia Kingi, a mineral-rich area annexed to Southern Darfur in 1960 and a major route south into Raja County. Slightly less contentious are the three locations of Joda, Kaka and Jebel Maginnis near the western bank of the White Nile River.

6. In addition, a range of local issues have the potential to exacerbate border tensions in other areas in the post-Comprehensive Peace Agreement period. For local actors, who did not participate in the technical process of border delimitation, access to water, agricultural schemes, grazing land, historical tribal boundaries and political constituencies are of considerable importance. Resolution of the five strategic disputed areas will not necessarily address these issues, which, if not properly handled, could result in local conflict. It should also be noted that, while discussions on the border are ongoing, the Border Commission has yet to submit an operational plan for the demarcation of non-contentious border areas.

7. While the security environment along the border is generally stable, underlying tensions between the armed forces and SPLA resulted in several incidents in the border area late in 2010 and early in 2011. Since October 2010, the Sudanese Armed Forces and SPLA have traded allegations of cross-border incursions and provocative military build-ups. These incidents underline the need for joint monitoring and verification mechanisms. The experience of Abyei has shown that, even when an agreement on such mechanisms is reached, its implementation is likely to be difficult and require external support. Such support would require freedom of movement and the ability to monitor both sides of the future border.

Popular consultations

8. The popular consultations offer some opportunity for the local communities in Southern Kordofan and Blue Nile States to address the grievances and expectations for which they took up arms against Khartoum and which, as yet, have been unmet by the Comprehensive Peace Agreement. The presence of up to 40,000 SPLA combatants from these areas within the two States, and with SPLM in Southern Sudan, pose a risk of conflict if political aspirations are not addressed, potentially exacerbating tensions between Juba and Khartoum and affecting border security.

9. The Comprehensive Peace Agreement left the popular consultations relatively vague, both in terms of their content and the processes to be used to guarantee the implementation of their outcome. The Agreement defines popular consultations as a democratic right of the people to express their views through the democratically elected legislature. In December 2009, the parties agreed on a legal framework for their conduct and an arbitration process. In addition, in Southern Kordofan, NCP and SPLM agreed that the consultations would not be a referendum and therefore not lead to separation, and that they would not address the concerns of one ethnic group only but those of the State at large, and put in place a Council of Elders to define their content.

10. Since 2008, UNMIS, in consultation with NCP and SPLM, and the Assessment and Evaluation Commission in each State, has been helping the actors to explore a further aspect, that is, identifying the key concerns of the various populations in

these two States, and promoting ways to have them addressed either directly by the popular consultations, or by other means as designated by the popular consultations.

11. The Comprehensive Peace Agreement foresaw a parallel evaluation process to be conducted in the two States "by the fourth year of the signing" of the Agreement, by two institutions in each of the two States, namely, an independent commission established by the Presidency, and a State Parliamentary Assessment and Evaluation Commission following elections. Both would report respectively to the national government and to the governments of the two States. The Assessment and Evaluation Commissions were established in 2007 and submitted annual reports to the Presidency focusing on security and the integration of civil service and police and intelligence institutions. The State Assessment and Evaluation Commissions could not be established before the elections of April 2010, which were conducted only in Blue Nile State; in Southern Kordofan they will follow the State elections of May 2011.

12. In December 2009 the National Assembly adopted the Popular Consultation Bill for Southern Kordofan and Blue Nile States, which stipulated that the consultation process would consist of meetings, workshops and opinion polls and provide for a negotiation and arbitration process should the assessment at the State level conclude that the Comprehensive Peace Agreement was unable to meet the population's expectations. There are three levels of negotiation: firstly, the State government will engage the central government in rectifying the shortcomings in the implementation of the Comprehensive Peace Agreement; secondly, in case of failure of agreement between the State and the central levels the issues should be tabled before the Council of States for mediation; and, thirdly, in case of further disagreement, the parties may decide on another arbitration body.

13. Neither the Comprehensive Peace Agreement nor the Popular Consultation Bill defines the nature of the issues to be addressed by the process. Issues expected to be raised include wealth-sharing, power-sharing, security, land rights and religious and cultural rights. Realistically, addressing some of these issues will go beyond the framework of the Comprehensive Peace Agreement and its timelines.

14. In Blue Nile State, the public hearings were concluded and data entry is currently under way, albeit with considerable delay. Disagreements remain to be solved on the nature and number of participants in the thematic hearings, further holding up the process. The popular consultation process in Southern Kordofan will take place only after State elections and are unlikely to be finalized by the end of the Comprehensive Peace Agreement interim period. Their outcome and acceptance will depend on the outcome of the State elections. The new legislative assembly and the evolution of the partnership of NCP and SPLM will be crucial in ensuring a credible process that meets the concerns of the people, including the SPLA Division in the State.

SPLA integration

15. Pursuant to the Comprehensive Peace Agreement, the Sudanese Armed Forces and SPLA agreed to redeploy respectively to north and south of the current borderline after the formation of the Joint Integrated Units. The redeployment of the armed forces was determined, at the 100th meeting of the Ceasefire Joint Monitoring Commission in July 2009, to be fully compliant with 100 per cent of the 46,403 troops redeployed. The SPLA redeployment from sectors IV, V and VI had

gradually reached 37.7 per cent (20,622 troops out of 59,168) by the 132nd meeting of the Monitoring Commission in December 2010. The redeployment of SPLA elements in Blue Nile State to the assembly point at Quffa (just outside Blue Nile State in Upper Nile State) was to have been completed in 2009. However, during a monitoring and verification mission in 2010, the majority of 4,003 SPLA elements were found just inside Blue Nile State, at Yafta. In regard to the redeployment of SPLA from Southern Kordofan, a monitoring and verification mission in April 2011 found 3,071 of 5,147 SPLA elements at the SPLA assembly point at White Lake.

16. The redeployment or possible integration into the armed forces of the 40,000 northern SPLA combatants in Southern Kordofan and Blue Nile or from these States serving with SPLA in southern Sudan is linked to the broader questions of post-Comprehensive Peace Agreement security arrangements that are currently being negotiated. Redeployment, if it does indeed happen, is unlikely to be completed before the end of the interim period if no significant progress is made in the holding of the popular consultations in Southern Kordofan and Blue Nile State. SPLA combatants in and from the Nuba Mountains and Blue Nile are seeking guarantees that their grievances against Khartoum will be addressed in the post-Comprehensive Peace Agreement political and security environment of northern Sudan. Concurrently, in the absence of complete SPLA redeployment in these two States, the armed forces have refused to reduce their presence to "peace time levels" as set out in the Comprehensive Peace Agreement. Militarization of Southern Kordofan and Blue Nile should be considered a key source of military tensions in the Sudan in the post-Comprehensive Peace Agreement period, as it pertains to the future status of the two States and to the settlement of the Abyei question.

Abyei

17. The dispute over the future status of the Abyei area is the greatest challenge to the implementation of the Comprehensive Peace Agreement. While not part of the agreed disputed areas as determined by the Border Commission, the boundaries of the Abyei area remain the most contentious. The oil-rich areas of Higlig and Kharasana are claimed as disputed by some SPLM figures, based on their inclusion in the 2005 decision put forward by the Abyei Boundaries Commission and the rejection by the Misseriya of the award by the Permanent Court of Arbitration. There is a high concentration of military forces in the area which is controlled by the armed forces. Nearby, on the Unity/Southern Kordofan State border, SPLA and Sudanese Armed Forces are deployed a few hundred metres apart at Tishwin, a strategic location on the main road from Khartoum to southern Sudan. These highly militarized areas represent a dangerous flashpoint where conflict between the armed forces and the Sudan People's Liberation Army could escalate very quickly.

18. Failure to take forward the core aspects of the Abyei Protocol, including final agreement on the boundaries of the area, border demarcation, wealth-sharing, and eligibility to participate in the Abyei area referendum, has kept Abyei on the brink of conflict throughout the interim period. However, despite increasing local tension and public brinksmanship on the part of both parties to the Comprehensive Peace Agreement, the two parties effectively contributed to a de-escalation of the crisis in the first months of 2011, following fatal clashes in January and February.

19. The Kadugli agreements signed on 13 and 17 January address some of the immediate security concerns and have helped to contain violence despite their less than partial implementation by keeping a dialogue between the two parties going. However, only a political agreement between the two parties on the final status of Abyei will ease tensions and provide security for the population of Abyei. As at 9 May 2011, no agreement had been reached on Abyei despite the question's being addressed at Presidency level in negotiations facilitated by the African Union High-level Implementation Panel.

Negotiation on post-Comprehensive Peace Agreement arrangements

20. The future of North-South relations is the focus of post-referendum negotiations between the two parties that started in July 2010. In December 2010, the parties agreed on a general political framework guiding the post-Comprehensive Peace Agreement political, economic and security relations of northern and southern Sudan. Although the framework was never formally signed, because the parties could not agree on the provisions guiding future citizenship in case of secession or on a settlement of the Abyei question, those disagreements did not block the entire process. Instead, it was decided that there would not be a signed agreement until there was concurrence on all provisions.

21. The parties also decided to use the draft framework agreement as the reference document providing political guidance to the continuation of the cluster negotiations. The clusters would expand on the language provided by the framework agreement to provide all the details necessary to operationalize its principles. Citizenship and border management issues have been handled by the joint NCP-SPLM Political Committee. Security and economic relations (debt, assets and liabilities, oil, currency, communications and transport) are negotiated through the cluster format. The international treaties and legal issues cluster has provided legal advice to the other clusters as needed.

Security cluster

22. In December, the parties conducted bilateral negotiations on security arrangements and reported the outcome to UNMIS and the African Union High-level Implementation Panel at the end of January, after the referendum had been conducted successfully. The parties agreed to disengage their military forces from the current borderline by 10 km on each side, thus creating a special security area that would be managed by a joint security mechanism. They also settled the question of the dissolution of the Joint Integrated Units within 90 days of the official announcement of the referendum result, with the exception of those units deployed to Abyei, those securing the oil fields and those located in Blue Nile and Southern Kordofan States. This process was officially completed on 9 April. A few key issues require further consideration at the most senior level, including the role of a third party in supporting the implementation of the agreement on joint security mechanisms, the future of the large contingent of SPLA of northern origin and the Joint Integrated Units in Blue Nile and Southern Kordofan.

23. During the negotiations in April the parties discussed a Common Border Zone which would facilitate the establishment of corridors for the safe movement of people, goods, animals and services. They also discussed a mechanism for both States to coordinate planning, monitoring and verification of the implementation of

the Common Border Zone. The parties discussed third-party support to assist with monitoring and verification of a border mechanism but did not reach definite conclusions.

24. The security cluster negotiations have addressed the future of more than 40,000 SPLA military personnel, the majority of whom are from Southern Kordofan and Blue Nile States, plus the return of an unaccounted number of SPLA personnel from those two States who are currently serving in the South. Both parties agreed that the future of the SPLA personnel from Blue Nile and Southern Kordofan lies in the North, and discussed a mechanism to ensure the successful implementation of the post-referendum security arrangements agreement.

Economic cluster

25. With regard to the Sudan's external debt obligations, the parties discussed the option of northern Sudan retaining the external assets and external liabilities of the Sudan. This is contingent on international creditor support for debt relief and a joint NCP-SPLM creditor outreach strategy. The parties began a discussion on these issues at the spring meetings of the International Monetary Fund and World Bank in Washington in April.

26. The negotiations on oil have centred on the use and ownership of the oil infrastructure and how to manage North-South cooperation in the sector, including management of revenues and fees. On the question of currency, it was agreed that the South will introduce a new currency and that the Sudanese pound will continue to be legal tender in the South during a transitional period of between six to nine months. There is an outstanding issue about redemption of Sudanese pound currency from the South.

Citizenship

27. Both parties agreed on the need to prevent statelessness after separation and to protect the rights of northerners in the South and southerners in the North. This includes the freedom to work, reside, own property and have visa-free movement. Agreement has yet to be reached on the appropriate time period needed to transition to the new citizenship arrangements and on the right for some groups to choose their citizenship. The parties aim to agree and ratify their laws by the end of the interim period.

Reaching a final agreement

28. At this point, it is difficult to predict the outcome of the post-referendum negotiations. Although the draft framework agreement provides a comprehensive architecture encompassing all requirements to sustain the political, economic and security viability of both States, and peaceful and prosperous relations between them, significant uncertainties remain over some aspects of the talks, which can affect the conclusion of an overall package. In this connection, most issues can be resolved in the short term.

29. The parties are having a very difficult time addressing a few significant issues, directly related to the stability of both States (oil revenue sharing and the status of Abyei) which could become spoilers of future North-South relations and render even more difficult the challenges of border management and oil exploitation.

Concessions on oil resources will affect the economies in both States and the capacity of SPLM to build a functional state in South Sudan and foster political accommodation among the southern political groupings. Concurrently, any concessions on Abyei will affect both parties' relations with large constituencies on whom they are dependent for the maintenance of security.

III. Mandate of a United Nations peacekeeping mission in South Sudan

30. South Sudan will become an independent State on 9 July 2011 in a complex and fragile regional environment. A number of internal political and security dynamics in South Sudan will be informed by the progress or lack thereof in the ongoing negotiations between the two parties. The main political driver of conflict in post-Comprehensive Peace Agreement South Sudan, however, will be internal tensions.

31. At the same time, the Government will need to address key issues related to security sector reform, including the demobilization and rightsizing of SPLA and strengthening the South Sudan Police Service. These processes will present new challenges that will need to be carefully managed. Unresolved issues relating to the Comprehensive Peace Agreement and post-referendum issues will affect the stability of the border area and may undermine the willingness of the Government of Southern Sudan to begin effective disarmament, demobilization and reintegration.

32. During a period when the security apparatus is set to undergo a difficult transformation, South Sudan will continue to face recurrent community-based conflicts. While the capacities of the police service are improving, they remain inadequate to secure public safety and police international borders. In addition, the Government of Southern Sudan will need to address the lack of accountability, weak administration of justice and law enforcement, and a deficient prison system. Moreover, SPLA is seen in some areas as a partisan force, a perception that will need to be addressed through effective mechanisms of control and military justice in the short run, and separation from the SPLM and professionalization in the longer run.

33. Insecurity has resulted in more than 116,000 internally displaced persons in southern Sudan since the beginning of 2011. At the same time, humanitarian access to areas affected by conflict has been hampered by a number of factors, including denial of access by government officials and security personnel.

34. Extension of Government authority will be crucial to maintaining peace and security in an environment where dissent can easily transform itself into violence. The southern Sudanese currently depend on international assistance for the provision of the most basic of services. Delivery of the peace dividend by the Government and enabling socio-economic development should be a key priority for all stakeholders in South Sudan.

35. As noted in my report of 12 April 2011 (S/2011/239), upon the request of the Government of Southern Sudan for a follow-on United Nations mission in South Sudan, the United Nations initiated a system-wide, integrated mission planning process. Taking fully into account the fact that the relationship between the North and the South remains the overarching factor affecting peace and stability on both

sides of the border, in the absence of critical agreements on the resolution of residual Comprehensive Peace Agreement and post-referendum issues, the mission planning process has thus far been able to focus only on support to internal peace consolidation challenges in South Sudan.

Mission concept

36. As part of the planning process, a United Nations system assessment mission visited southern Sudan from 16 February to 31 March 2011. The recommendations of that team were reviewed by my Policy Committee on 26 April. The planning process and mission concept take into account the principles outlined in the New Horizon non-paper, the report on civilian capacity in the aftermath of conflict (see A/65/747-S/2011/85) and the report on the global field support strategy (A/64/633).

37. The range of challenges to stability and security in post-Comprehensive Peace Agreement South Sudan calls for a comprehensive, results-based approach to peace consolidation that is focused from the outset on building national capacities. In this regard, the proposed mission would support the new state in meeting political, security and protection challenges in a way that helps it to build its authority and create an enabling environment for state-building and socio-economic development.

38. Given the lack of national capacity, it would be essential that all actors provide assistance in a coordinated manner in accordance with Government priorities. The role of the United Nations system in this regard has been defined on the basis of institutional mandates and comparative advantage, not least with reference to the time required for sustainable results.

39. The proposed mission would be integrated, ensuring strategic and operational coordination with the United Nations country team and other partners, in particular the African Union, the African Development Bank, the European Union and the World Bank. With regard to coordination at the political level, it is foreseen that the mission would play a role in bringing together international actors to speak with one voice in helping the new Government to address its peace consolidation challenges.

40. It is proposed that the mission's deployment timelines be linked to the holding of elections, that is, a four-year mandate horizon, to be reviewed on a yearly basis, and that its drawdown be based on benchmarks agreed to by the Government of Southern Sudan and the Security Council. Results delivery would be carefully tracked against clear benchmarks to assess the extent to which national capacities are able to deliver their core responsibilities. To this end, the mission would adopt a flexible, conflict-sensitive approach to the iterative adjustment of its peace consolidation roles, including a potential increase in capacities to respond to shortfalls and drawdowns as national capacity increases, if so agreed with the Government of Southern Sudan and the Security Council.

Mission mandate

41. In the light of the above, I recommend that the Security Council consider the establishment, under Chapter VI of the Charter of the United Nations, of a multidimensional United Nations operation, the United Nations Mission in South Sudan (UNMISS). The mission's main tasks would include the following:

Good offices and political support for peace consolidation

(a) To support the Government and civil society in strengthening popular participation in political processes, including through the wide acceptance of the Constitution and, at the request of the Government, the holding of the first elections, and the participation of women in decision-making forums;

(b) To encourage the Government to ratify into law and implement a set of key international human rights treaties and conventions, including those related to women and children;

(c) To support the Government and civil society in strengthening participatory governance and conflict mitigation at the State level;

(d) To support the establishment of an independent media;

Support to security sector reform and the rule of law

(e) To support the Government in strengthening security within the framework of the rule of law through, inter alia, support for the development of a national security policy;

(f) To support the Government in developing and implementing a national disarmament, demobilization and reintegration programme;

(g) To support the Government in developing a military justice system;

(h) To support the Government in implementing the SPLA action plan to end the recruitment and use of children;

(i) To support the Government in strengthening the capacity of the South Sudan Police Service through technical advice in policy and legislative development, as well as training and mentoring in key areas;

(j) To support the Government in strengthening its capacity to ensure the promotion and protection of human rights throughout the country through the provision of human rights assistance in training and institution- and capacity-building;

(k) To support the creation of a conducive environment for the promotion and protection of human rights through monitoring, advocacy and reporting;

(l) To facilitate a protective environment for children affected by armed conflict through implementation of a monitoring and reporting mechanism;

(m) To support the Government in building an independent and competent judicial system through advice at the policy, planning and legislative levels;

(n) To support the Government in strengthening the capacity of the South Sudan Demining Authority to conduct mine action in accordance with international mine action standards;

Security aspects, including conflict mitigation and physical protection of civilians

(o) To support the Government, civil society and all stakeholders through its good offices at the national, State and county level in mitigating conflict;

(p) To support the Government in fulfilling its sovereign responsibility to protect civilians through strategic and technical military and police advice at the national and State levels as appropriate;

(q) To provide security for United Nations and humanitarian personnel necessary to allow them to carry out their mandated conflict mitigation, protection, humanitarian, recovery and development tasks in areas of high risk when Government security services are unable to provide such security;

Acting under Chapter VII of the Charter, the mission would also be mandated:

(r) To provide, within capabilities, physical protection to civilians under imminent threat of physical danger, including through the use of force as a last resort when Government security services are unable to provide such security.

Mission structure

42. The mission would be headed by a Special Representative, who would have overall authority for the activities of the mission and the United Nation system in South Sudan. The Special Representative would be assisted by a senior management team consisting of two Deputy Special Representatives, a Force Commander, a Police Commissioner and a Director of Mission Support. The Resident Representative of the United Nations Development Programme (UNDP) and the United Nations Resident Coordinator would perform the functions of one Deputy Special Representative and Humanitarian Coordinator.

43. The mission would be decentralized in terms of its deployment locations and management structures. The headquarters, based in Juba, would be a strategic headquarters, engaging the Government at the national level on policy issues and providing guidance and technical support to State-level activities. The majority of staff would be deployed across the 10 States of South Sudan, including at the county level as required. The State-level offices of the mission would have the responsibility to manage day-to-day State-level operations and to coordinate with the United Nations country team at the State level, working closely with national, State and county authorities.

Protection of civilians

44. While the protection of civilians would be one of the core activities of the mission and the country team, the protection of civilians is first and foremost the sovereign responsibility of the Government. External support to the Government in building its capacity to protect civilians is, at its very core, a civilian activity using political, human rights, humanitarian, police, justice, correction and military tools. Accordingly, in coordination with multilateral and bilateral partners, the mission's support to the Government in strengthening its capacity to fulfil its protection responsibilities under human rights and international humanitarian law will include conflict mitigation, human rights, and other activities, including advice to SPLA and the police service in the general conduct of operations in accordance with international humanitarian law and human rights law.

45. Accordingly, good offices and conflict prevention and mitigation activities of the mission and the country team will be the first line of response in helping local actors to resolve and mitigate conflict. Where these efforts fail and local conflict is imminent, the mission will work with the Government security forces with a view to

ensuring that they carry out their security responsibilities in accordance with international humanitarian law. Moreover, within their capabilities, and in cooperation with the Government, United Nations troops would be deployed to areas at high risk to deter conflict. Where these efforts fail, and where Government security actors are unable to protect civilians, it is recommended that the mission be authorized, under Chapter VII of the Charter, to use force as a last resort to protect civilians in imminent threat of physical danger within its area of deployment and capability.

46. Mandating United Nations troops with the task of enhancing the protection of civilians carries with it certain risks and responsibilities, for the Security Council, the host country, troop-contributing countries, the United Nations, and the mission. Such a mandate cannot be carried out successfully without the cooperation of the Government, which must provide access for military, humanitarian and protection actors. Should the Security Council provide the mission with such a mandate, the United Nations would rely on the Security Council to assist it in ensuring that the Government of Southern Sudan cooperates with the mission in its implementation. Providing a physical protection of civilians mandate to United Nations troops also carries with it certain responsibilities to make sure they have the equipment and training necessary to carry out the tasks assigned to them. The United Nations would rely on the Security Council and troop-contributing countries to assist it in ensuring that such military capacities are provided to the mission.

47. At the same time, such a mandate creates high expectations, locally and internationally. Such expectations could be the downfall of the mission, affecting its credibility and therefore its capacity to carry out other mandated tasks. It will therefore be incumbent upon the mission to have a strong capacity to communicate its mandate, activities, capacities and the situation on the ground at the local and international levels, reinforcing the Government's sovereign responsibilities and the mission's civilian efforts towards improved protection.

48. Finally, it will be incumbent upon the mission with the support of the Secretariat to ensure that its protection strategy is based on a strong early warning system that allows decision makers to take action to mitigate and respond to risks faced by civilian populations in a strategic and timely manner. The Chief of Staff will be responsible for establishing and maintaining the early warning system with the support of the Joint Operations Centre, the Joint Mission Analysis Centre and all mission personnel stationed in the capital and the field. The United Nations country team will also be called on to support the early warning system with information and analysis.

Political aspects

49. The main thrust of the mission would be political, using the good offices of the Secretary-General, through the Special Representative, to assist the Government and local stakeholders in preventing conflict, consolidating the peace, strengthening the pluralistic political system, and addressing issues related to peace, governance and reconciliation. The Special Representative would support the Government in pursuance of the new Constitution and key legislative priorities, the holding of all-party elections if requested by the Government, and in facilitating the participation of women in the political process. The Special Representative would also use his good offices to help the Government to build good-neighbourly relations. The

Special Representative would play a lead role in the development of common positions in the international community, encouraging international partners to speak with one voice in supporting South Sudan and to work towards shared goals on the basis of respective strengths.

50. In order to provide strategic advice to the Government of Southern Sudan on key issues, the mission would establish a strategic advisory cell in the office of the Special Representative comprising senior advisers to the Special Representative on issues such as constitutional development, security sector reform and transparency mechanisms. Those advisers would work closely with all related expertise in the mission, the country team and external parties.

51. On security sector reform in particular, the mission will combine its political engagement with practical advice and technical support aimed at developing an effective, democratic and accountable security sector architecture.

Military component

52. The proposed mission would have a military component with the following tasks:

Acting under Chapter VI of the Charter:

(a) To provide security for United Nations personnel as necessary for them to carry out conflict mitigation, protection and humanitarian and recovery activities in areas where the Government is not able to provide security;

(b) To provide security for United Nations installations and equipment, establish security corridors for logistics convoys and enhance mission mobility, where the Government is not able to provide security;

(c) To deter violence through deployment in areas at high risk of conflict, within capabilities and in accordance with the strategic objectives of the mission, or as may be directed by the Head of the mission;

(d) To liaise and coordinate with SPLA forces as required in the implementation of its mandated tasks;

(e) To participate in establishing an integrated mission approach to information-gathering, monitoring, verification, early warning and dissemination;

(f) To ensure inter-mission cooperation under the framework of Security Council resolutions 1609 (2005) and 1938 (2010) as required;

Acting under Chapter VII of the Charter:

(g) To protect civilians under imminent threat of physical danger, within capability and in areas where the Government is unable to do so.

53. The proposed authorized military strength of 7,000 (all ranks) takes into account the decentralized deployment strategy of the new mission; areas assessed to be at high risk of conflict; priority areas in need of security support for humanitarian assistance; administrative boundaries; and lines of communication.

54. In regard to the provision of security for humanitarian operations, the humanitarian community would continue to liaise with the Government and other parties in order to ensure safe, rapid and unhindered humanitarian access. Should

Government security forces not be in a position to provide security for the delivery of humanitarian assistance, as required, the mission would cooperate with the humanitarian community, the United Nations country team and the Government in providing such security within its capability.

55. The military concept of operations for the proposed mission is based on well-trained and -equipped troops deployed at key, strategic locations, with equipped and earmarked reserves and reaction forces which have the mobility to move into areas of need, as required. Troops with expeditionary capability and air support would therefore be required. This approach has been adopted in favour of widespread, more static deployment, given its greater suitability to, and respect for, the Government's sovereign responsibility and intent to provide security for the population.

56. The military concept of operations is also based on the provision of certain enablers, in particular engineering capability (850 all ranks), that can support the mission's road and airfield requirements and, at the same time, play a role however minor in helping the Government to build the infrastructure necessary for the social and economic development of local communities, in particular those affected by conflict.

57. The military component of the mission would establish a force headquarters at Juba and infantry battalion headquarters locations in the areas of Bentiu, Bor, Malakal, Juba and Wau, the force reserve being located at Rumbek. The core of the military component would be composed of mobile infantry battalions dispersed into company operating bases and temporary operating bases. This framework of operations would be enhanced by a centralized rapid reaction force and projection of forces by air to meet a range of operational requirements.

58. The force reserve would maintain a rapid reaction force to ensure operational flexibility and mobility. If it were committed, a new force reserve would, without delay, be regenerated from the existing forces. The military component would require enabling units such as level II hospitals, medium utility helicopters, heavy utility helicopters, and others as necessary, and the mission as a whole would require the requisite engineering companies.

59. Particular emphasis would be placed on the military liaison officers whose role it would be to proactively engage with all levels of SPLA command within the context of the protection of civilians strategy.

60. In planning the structure and deployment of the military component, a strong early warning system, mobility and expeditionary capacity have been identified as key capacities necessary to accomplish the aforementioned tasks. Emphasis would be placed on incorporating the lessons of past deployments when insufficient and inadequately equipped troops were deployed for peacekeeping duties and failed to meet the high expectations generated by their deployment.

Police

61. The mission would assist the Government in establishing solid foundations for an efficient, community-oriented police service following democratic principles and capable of providing security and protection. In so doing, the mission would focus its support on three areas: giving strategic advice to the police service at the central and State levels to assist it in developing its medium-term police development plan;

mentoring and advising central, State and designated county-level police in the day-to-day conduct of their tasks in accordance with international standards and internal guidelines; and supporting the police service in developing and delivering training in key areas necessary to build the foundation of a professional police service in coordination with other partners.

62. To fulfil those mandated tasks, which will be carried out in close collaboration with the United Nations country team, up to 900 uniformed police would be required.

Civil affairs

63. Civil affairs officers would assist local authorities in conflict mitigation at the State level and, where required, at the county level. In so doing, they would work closely with the country team and other actors on conflict mitigation issues and play a key role in supporting the mission's early warning and analysis system.

Human rights

64. The mission will assist the Government in creating a normative framework and building national capacity for the promotion and protection of human rights, consistent with international standards. It will monitor and report on the human rights situation across South Sudan; provide advice on the adherence to human rights standards and principles in the constitutional review process and in the ratification of international human rights treaties and associated reporting obligations and on the harmonization of statutory and customary frameworks with international and regional human rights norms and standards. The mission will assist in strengthening the capacity of the National Human Rights Commission and assist the Government in ensuring that human rights are addressed in its development plans and programmes.

Justice

65. Working with the United Nations country team and other partners, the mission will support the Government in strengthening the justice sector through technical support to the Ministry of Legal Affairs in undertaking a baseline analysis of the justice system at the national, State and county levels; the provision of advice on a strategy to improve the military criminal justice system, and the provision of advice on strengthening the constitutional and legislative framework to ensure a more timely, efficient and transparent administration of justice that takes into account the rights of women and children.

Corrections

66. The mission, in close collaboration with the United Nations country team, will build on the achievements of UNMIS in providing technical assistance to the Prisons Service, through the training of its management and specialist staff. The mission will co-locate staff at State prisons, extending to designated county prisons, to mentor prison operations, administration and management. It will facilitate the establishment of training facilities, and the development of a training strategy, ensuring adherence to human rights.

Disarmament, demobilization and reintegration

67. The Government is currently designing a new disarmament, demobilization and reintegration programme that is expected to be closely linked to the rightsizing of its security forces. The mission's role in disarmament, demobilization and reintegration, in coordination with UNDP, in support of the Government is likely to include (a) support to the disarmament phase by collecting and/or monitoring and/or verification of the safe storage or destruction of weapons; (b) support to the demobilization phase by providing logistic assistance and assisting with age verification, registration, screening and documentation of participants, counselling and monitoring; (c) implementing reinsertion activities and training in conjunction with UNDP; and (d) contributing to conflict mitigation by supporting the development and implementation of a community violence reduction strategy. The reintegration activities will be undertaken by UNDP or other partners. The required resources for the mission to support the implementation of the programme will be developed, and submitted to the Security Council and General Assembly, once the national programme itself is finalized.

Mine action

68. The scope of the threat posed by landmines and explosive remnants of war in South Sudan is substantial. Because of limited national capacity, the United Nations leads the current response by providing coordination and facilitating mine action activities, building national capacities, and overseeing quality assurance. Consistent with the threat and agreed objectives in the Sudan Mine Action Sector Multi-Year Work Plan and the Sudan Mine Action Programme Transition Plan, the United Nations will undertake the following activities as part of the new mission: (a) Hazardous area survey, mine/explosive remnants of war clearance and destruction; (b) emergency response in areas of conflict; (c) mine risk education and victim assistance; (d) advocacy; (e) coordination and integration of mine action into humanitarian and development processes; and (f) capacity-building of national counterparts.

Child protection

69. The mission's child protection activities will focus on monitoring and reporting on grave violations against children, contributing to the mission's protection of civilians strategy, mainstreaming child protection throughout the mission and supporting the implementation of the SPLA action plan to end the recruitment and use of children, in collaboration with partners in the United Nations country team.

Gender

70. In accordance with resolution 1325 (2000), the mission will ensure gender mainstreaming in all mission interventions and activities to ensure that the needs of women and men, girls and boys are appropriately and equally addressed, that target groups in communities contribute to and receive equitable benefits from mission strategies and activities, and that the high incidence of sexual and gender-based violence is addressed. The mission will support capacity-building of governmental partners and civil society organizations in coordination with the United Nations country team.

Public information

71. The mission's Public Information Office will act as a centre for strategic communications between the mission and the public of South Sudan, helping to improve understanding of the mission's role, shaping its public image locally, regionally and internationally, supporting the dissemination of accurate information to the population, with a view to mitigating conflict, managing public expectations and contributing to promoting a democratic political culture. In so doing, the mission will continue to build on the success of Miraya FM.

HIV and AIDS

72. Consistent with resolution 1308 (2000) the mission will engage its peacekeepers on issues relating to HIV/AIDS awareness and prevention. The mission will provide an enabling environment for United Nations agencies, funds and programmes to continue support to the capacity-building of governmental partners and civil society organizations on HIV/AIDS issues.

Recovery, stabilization and reintegration

73. The mission will support joint decentralized projects at the State, county and *payam* levels, as required facilitate "joined-up" approaches to recovery, and support the Government and the United Nations country team in successfully reintegrating displaced persons, refugees and southerners returning to the South. The mission will help the United Nations system to transition, when conditions are ready, from peacebuilding to medium- and long-term State-building activities. In support of these roles, the mission will support donor coordination and resource mobilization activities, led by the Resident Coordinator/Humanitarian Coordinator, including supporting appeals and Government coordination structures.

Mission support

74. The foregoing activities will be dependent on the support of the Mission Support Division of the Department of Peacekeeping Operations, whose role is to enable the efficient and effective execution of the mission's mandate through the timely and responsible provision of integrated and high-quality support services in the areas of finance, human resources, logistics and information and communications technology. In the very challenging environment of South Sudan, the Division will provide support based on the mission's concept of operations, the Organization's financial regulations and rules, United Nations Headquarters policy and guidance, and lessons learned from UNMIS. The approach will include (a) establishing or improving field sites, replacing temporary facilities with more permanent structures, leading to improved conditions, lowering operating costs, implementing common services with the United Nations country team on a cost-recovery basis; (b) substantial decentralization of authority to mission support administrators at the State level, accompanied by updating administrative processes to ensure effectiveness in the context of the new mission model; (c) efforts to optimize mission mobility through efficient transportation, cargo movement by river and land and transitioning from helicopters to fixed-wing aircraft as airstrips are restored to service; (d) partnering with United Nations agencies, such as the World Food Programme, on the basis of the principle of comparative advantage. As required and through a phased approach, by establishing clear timelines and

benchmarks, the mission will convert its network of temporary referendum support bases into permanently supported county locations and establish additional locations, enabling the mission and United Nations agencies to provide support to the Government and population at a local level.

Safety and security

75. The role of the United Nations security management system in South Sudan will be to ensure the safety and security of United Nations staff, assets and installations. Under the system, South Sudan will have its own designated official, security management team, area security coordinators, and area security management teams. The system will be supported by the deployment of an integrated Department of Safety and Security/mission Security Section. The mission's staff safety and security concept will use host country capacities to the fullest extent.

Financial implications

76. A statement of the financial implications of the new mission will be issued as an addendum to this report.

IV. Observations and recommendations

77. I am fully committed to supporting the request of the Government of Southern Sudan for the establishment of a United Nations operation in South Sudan. I firmly believe that a mission as described above, working with the United Nations country team and other partners, can play a significant role in helping the Government and people of South Sudan to consolidate peace and create a solid foundation for the country's economic, political and social development. However, the prospects for peace consolidation remain contingent upon the quality of the relationship between the Sudan and South Sudan which, in turn, would be largely shaped by the agreements reached on post-referendum and residual Comprehensive Peace Agreement issues.

78. I therefore cannot stress enough the critical nature of these negotiations and the responsibility that rests on the leaders of the two States to reach agreements that will provide the foundation for peace and security in the Sudan and South Sudan and the region as a whole. It is essential that the leaders of both sides demonstrate the political will necessary to find solutions to these issues and agree on mechanisms for their implementation.

79. The two partners in the Comprehensive Peace Agreement have completed most of the journey towards peace. It is crucial that we encourage and assist them in successfully reaching their destination — a durable peace sustained on the basis of mutual interests and good-neighbourly relations. As South Sudan achieves independence on 9 July, I believe that the framework agreed to by the parties under the Comprehensive Peace Agreement to address border disputes and security issues should be maintained until an alternative arrangement is found. Over the past six years, with the support of UNMIS, this framework has proved its worth in helping the parties to avoid conflict. Mechanisms within this framework remain the only forums where the parties, under the auspices of the United Nations, can meet to prevent or mitigate conflict on either side of the border, including Abyei. These

mechanisms also have the ability to deal with both bilateral and internal security disputes including addressing accusations of support to proxies.

80. I therefore urge the parties and the Security Council to consider a three-month technical rollover of UNMIS from 9 July to 9 October. During this period UNMIS will commence the downsizing of its presence in Khartoum while focusing on assisting the parties to maintain calm while seeking resolutions to the residual Comprehensive Peace Agreement and post-referendum issues, including finding a mutually acceptable arrangement for monitoring the border.

81. In making this recommendation, I have considered closely the possibility of recommending a technical rollover of UNMIS while concurrently establishing a new operation in South Sudan and have come to the conclusion that many of the security issues that affect South Sudan are directly related to the bilateral security issues the North and South must address together. Accordingly, it is essential that the effectiveness of the United Nations support to the resolution of these core security issues is maintained through a single political and military command. I intend to report to the Security Council early in September on progress made by the parties in regard to the settlement of residual Comprehensive Peace Agreement and post-referendum issues.

82. The recommendations set out above are contingent upon the parties reaching the agreements they have committed themselves to, it is to be hoped over the next three months. If they do not reach those agreements during the recommended technical rollover of the mandate of UNMIS, they must at least establish mechanisms to replace the security framework of the Comprehensive Peace Agreement.

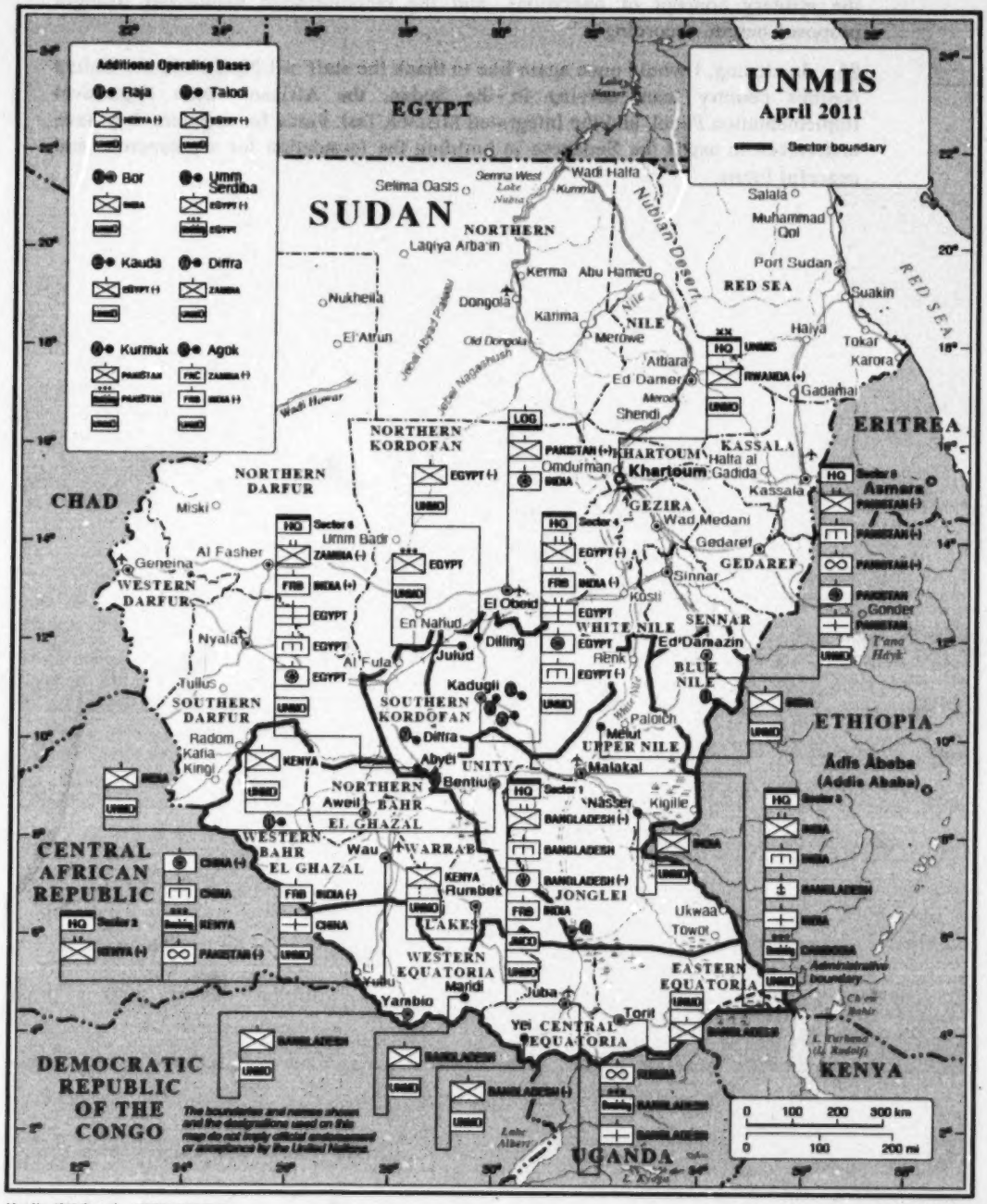
83. At the same time, I believe it is necessary for the United Nations to change the nature of its assistance to the new State of South Sudan at the dawn of its independence on 9 July. The new State requires a different type of assistance, both in quality and quantity. I therefore intend to establish an advance team composed of a senior management group with the required specialized expertise to set up the core capabilities of the new mission, and to support the new State of South Sudan as it undertakes its peace consolidation and peacebuilding efforts. In addition, the United Nations country team, which has the lead in long-term capacity-building and development activities, would immediately commence these efforts in support of the new State.

84. The advance team, which would be deployed on or before 9 July, would be led by a senior United Nations official. All activities related to the establishment of the new mission in South Sudan as outlined in this report would fall under his/her responsibility. Additional senior and specialized staff would be included in the advance team to set up the future mission's components and address its support requirements.

85. The military component of UNMIS in South Sudan would remain as it is currently configured, while the Department of Peacekeeping Operations conducts the force generation to secure the capabilities necessary to carry out the mandate of the new mission as described in this report. Progress in reaching agreement on the post-referendum and residual Comprehensive Peace Agreement issues will have a positive effect on the security situation in South Sudan. The Department of Peacekeeping Operations will continue to monitor the situation closely and adjust

the military concept of operations, and the recommended authorized strength proposed herein, accordingly.

86. In closing, I would once again like to thank the staff of UNMIS and the United Nations country team serving in the Sudan, the African Union High-level Implementation Panel, and the Integrated Mission Task Force for the work they have undertaken to assist the Sudanese in building the foundation for a prosperous and peaceful future.



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